



molesting,<sup>1</sup> as a Class B felony, had it been committed by an adult. On appeal, he claims that the trial court erred in failing to set aside its determination of delinquency and that his trial counsel was ineffective for failing to challenge the jurisdiction of the juvenile court because he was over the age of twenty-one years at the time the delinquency allegation was brought against him.

We affirm.

### **FACTS AND PROCEDURAL HISTORY**

A.J.C. was born July 28, 1984. On July 29, 2005, one day after A.J.C. attained the age of twenty-one, a Delinquency Petition was filed against him alleging that he molested his seven-year-old nephew at some time between March 8, 2000 and March 8, 2005. A.J.C. admitted the allegations, and the court placed him on strict and indefinite probation. A.J.C. filed a Motion to Set Aside the Judgment on October 22, 2006 contending the juvenile court did not have jurisdiction over him because he was twenty-one years of age when the delinquency petition was filed and that his counsel was ineffective for failing to challenge the court's jurisdiction. The trial court denied the motion and this appeal ensued.

### **DISCUSSION AND DECISION**

A.J.C. contends that “the juvenile court did not have subject matter jurisdiction over A.J.C. at the time the Petition Alleging Delinquency was filed, pursuant to I.C. 31-30-2-1.” Subject matter jurisdiction is a question of whether a court has jurisdiction over the general class of actions to which a particular case belongs. *K.S. v. State*, 849 N.E.2d 538 (Ind. 2006). In this case, A.J.C. was alleged to have been a delinquent child for committing an act that

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<sup>1</sup> See Ind. Code § 35-42-4-3.

would have been a crime if committed by an adult. Ind. Code § 31-30-1-1(1) provides that a juvenile court has jurisdiction over such actions.

To the extent A.J.C. challenges the personal jurisdiction of the juvenile court, his claim also fails. In *C.T.S. v. State*, 781 N.E.2d 1197 (Ind. Ct. App. 2003), our court held that the juvenile could not “successfully challenge the court’s personal jurisdiction over him because he submitted himself to the authority of the juvenile court and did not challenge personal jurisdiction by filing a motion to dismiss.” *See also K.D. v. State*, 754 N.E.2d 36, 40 (Ind. Ct. App. 2001). Here, A.J.C. also submitted to the authority of the juvenile court and did not challenge personal jurisdiction by a motion to dismiss.

Finally, A.J.C. claims that his counsel was ineffective for failing to challenge the jurisdiction of the juvenile court. To succeed on such a claim, however, one must show prejudice resulting from counsel’s deficient performance. *Robinson v. State*, 775 N.E.2d 316, 319 (Ind. 2002). On these facts, A.J.C. cannot show such prejudice or deficient performance. Although A.J.C. contends that had his counsel challenged the jurisdiction of the juvenile court he would not have been a delinquent, he would not have been placed on probation and he would not have been subject to electronic monitoring, A.J.C. fails to acknowledge the consequences he would have faced by a transfer of his case to adult court; namely, the conviction of a Class B felony, potential imprisonment of twenty years, and registry as a sex offender. A.J.C. has failed to show that his counsel was ineffective or that he sustained any prejudice.

Affirmed.

DARDEN, J., and MATHIAS, J., concur.

